

31 JANUARY 1947

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Of
PROSECUTION'S ARGUMENTS

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1 Friday, 31 January 1947

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4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of: HONORABLE JUSTICE NORTHCROFT, Member
15 from New Zealand, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 The Accused:

20 All present except OKAWA, Shumei, who is
21 represented by his counsel.

22 - - -

23 (English to Japanese and Japanese
24 to English interpretation was made by the
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: Would the Tribunal permit
5 my friend Mr. Brown to read the next few sections
6 of these remarks on my behalf?

7 THE PRESIDENT: Mr. Brown.

8 MR. BROWN:

9 SHIRATORI, Toshio

10 The particulars with regard to SHIRATORI,
11 Toshio, are to be found on page 339 of the chrono-
12 logical summary, and the additional exhibits which
13 directly affect him are: Exhibit No. 2232, page of
14 the record 16,003; exhibit No. 2233, page of the
15 record 16,012, and exhibit No. 2234, page of the
16 record 16,027.

17 From the 31st of October 1930 to the 2nd
18 of June 1933 he was the official spokesman of the
19 Foreign Ministry, and was decorated for his services
20 in the Manchurian incident, and later for services
21 in the China affair, of the nature of which we have
22 no other knowledge. Exhibit 179-Q shows him taking
23 part in a discussion as to setting up a new regime
24 in Manchuria.
25

On the 4th of November 1935 SHIRATORI

1 advised ARITA, by letter, that the threat of future
2 calamity should be removed while Russia was com-
3 paratively impotent. He advocated war if that
4 appeared --"

5 MR. CAUDLE: May it please the Court, that
6 exhibit the gentleman refers to was introduced for
7 identification only, as the record will show, and I
8 object to him referring to it.

9 THE PRESIDENT: Will the shorthand reporter
10 please read to me what Mr. Caudle said?

11 (Whereupon, Mr. Caudle's state-
12 ment was read by the official court
13 reporter.)

14 MR. COMYNS CARR: I will send for the
15 record and we will have a check made on that, sir.

16 THE PRESIDENT: For the time being we will
17 disregard it.

18 MR. BROWN: I beg your Honor's pardon.

19 THE PRESIDENT: The shorthand reporter will
20 tell you what I said.

21 (Whereupon, the statement of the
22 President was read by the official court
23 reporter.)

24 MR. BROWN: On the 4th of November 1935
25 SHIRATORI advised ARITA, by letter, that the threat --"

1 MR. CAUDLE: If the Tribunal please, your
2 Honor, that is the thing I objected to.

3 MR. BROWN: Yes. I beg your pardon.

4 When OSHIMA was striving for a tri-partite
5 military alliance between Japan, Germany and Italy,
6 SHIRATORI accepted the post of ambassador to Italy
7 and journeyed to Rome in the latter part of
8 December 1938 with the expectation that he would
9 succeed in concluding the military alliance.

10 (Exhibit 498, page of the record 6083.) Prior to
11 that time both Ribbentrop and OSHIMA had failed in
12 their efforts to bring Italy into agreement.

13 SHIRATORI and OSHIMA conferred in matters
14 pertaining to the proposed alliance and advocated
15 an all-out military alliance without reservations.
16 They endeavored to impose their convictions upon
17 the Japanese government and endeavored to influence
18 and direct Japanese policy with regard thereto.
19 On the 7th of January 1939 SHIRATORI advised Count
20 Ciano that Prime Minister HIRANUMA, who had succeeded
21 Prince KONOYE as Prime Minister on the 5th of
22 January 1939, was openly in favor of the proposed
23 alliance, but that the new Foreign Minister, ARITA,
24 was "rather cold toward the idea." (Exhibit 499-A,
25 page of the record 6092.) This was followed on the

1 6th of February 1939 by a representation to Count
2 Ciano by SHIRATORI that a Japanese counter proposal
3 would be made which he secretly advised Italy not
4 to accept. (Exhibit 501, page of the record 6095.)

5 The compromise proposal was brought to Rome
6 in February 1939 by the ITO Commission which was
7 also charged with the duty of explaining to the
8 Japanese ambassadors in Berlin and Rome the views
9 of the government and instructing them that they
10 must work within these views. (Exhibit 487, pages
11 of the record 6072 to 6079.) As SHIRATORI and OSHIMA
12 desired a military treaty without reservations on
13 the part of Japan, they refused to follow the advice
14 of the ITO Commission and refused to communicate
15 the compromise proposal through official channels.
16 They threatened to cause the fall of the cabinet
17 by resigning from their posts unless the government
18 reconsidered its stand. (Exhibit 499, page of the
19 record 6096.)

20 In April the Japanese government reconsidered
21 its stand and presented a new draft of the treaty
22 in connection with which it requested an agreement
23 that in the publication of the pact an explanation
24 be made which would tend to soften the attitude that
25 would likely result on the part of England, France,

1 and America. The reason assigned by the Tokyo
2 cabinet for the necessity of such a limited inter-
3 pretation of the pact was that both for political
4 and economic reasons Japan "was at the moment not
5 yet in a position to come forward openly as the
6 opposers of the three Democracies." SHIRATORI and
7 OSHIMA again refused to communicate officially the
8 Japanese government's proposal to the nations to
9 which they were accredited. (Exhibit 502, page of
10 the record 6100.)

11 A German-Russian non-aggression pact --

12 MR. CAUDLE: May it please the Court: He
13 said in April. May I inquire in what year? April of
14 what year?

15 MR. BROWN: April 1939, your Honor.

16 MR. CAUDLE: Thank you.

17 MR. BROWN: A German-Russian non-aggression
18 pact was concluded on the 23rd of August 1939 which
19 contributed to the downfall of the HIRANUMA cabinet.
20 On the 1st of September 1939 Germany invaded Poland.
21 Notwithstanding the temporary setback to the con-
22 clusion of a Japan-Germany-Italy military alliance,
23 SHIRATORI continued his efforts to develop closer
24 German-Japanese relations. On the 2nd of September
25 1939, in a conference with Mackensen, German

1 ambassador to Italy, SHIRATORI expressed the opinion
2 that "with a new Japanese cabinet there was a well-
3 founded chance for successful continuation of the
4 stelled further rapprochement with the Axis powers,"
5 and asserted that for the purpose "of being able
6 personally to work more effectively than was possible
7 from Rome he was going to Tokyo." In another con-
8 ference in Rome, SHIRATORI emphasized the severe blow
9 that Japanese-German relations had sustained by the
10 conclusion of the German-Russian Non-Aggression Pact
11 and made known the fact that he was one of Germany's
12 friends who "had been laboring to counteract this
13 effect." As for the Japanese protest against the
14 conclusion of the pact, SHIRATORI declared that he
15 had got in touch with the Japanese Embassy in Berlin
16 by telephone and had endeavored to stop it. (Exhibit
17 2232, page of the record 16,003.)

18 After SHIRATORI returned to Japan, the
19 German Ambassador reported on the 23rd of February
20 1940 that SHIRATORI and others remain "in an unchanged,
21 friendly attitude and ready for every support."
22 (Exhibit No. 511, page of the record 6141.)

23 SHIRATORI and OSHIMA in the summer of 1940
24 worked in confidential cooperation with the German
25 Embassy in Japan in stirring up Japanese ill feeling

1 against America by influencing the press and political
2 leaders. (Exhibit No. 516, page of the record 6152.)

3 On the fall of the YONAI Cabinet, MATSUOKA's
4 appointment as Foreign Minister was generally
5 approved by the press as meaning with certainty
6 that there would be a new orientation of Japanese
7 policy. SHIRATORI and OSHINA expressed themselves
8 in a similar vein at press interviews, thus lending
9 the weight of their influence to MATSUOKA's policies.
10 (Exhibit No. 536, page of the record 6261.)

11 SHIRATORI declined the post of Vice Foreign
12 Minister, but accepted appointment as permanent
13 adviser to the Foreign Minister, in which capacity
14 he considered that he would be able to exercise a
15 far-reaching influence. (Exhibit No. 538, page of
16 the record 6265.) The new government formed a
17 commission of twenty-four leading persons, consist-
18 ing mostly of followers of the policy of cooperation
19 with the Axis powers, with the aim of planning
20 suitable action for the adjustment of state affairs
21 on an authoritarian basis. SHIRATORI was appointed
22 the representative for foreign political matters on
23 this commission. (Exhibit No. 548, page of the
24 record 6296.)
25

He held the post of adviser until the 22nd

1 of July 1941, when he resigned owing to ill health.
2 On the 7th of July (exhibit 1113, page of the record
3 10157) and again on August the 1st (exhibit 800,
4 page of the record 7967) Ott stated that he was
5 intending to resume an activist policy, and advocated
6 war against Russia.

7 The Tri-Partite Military Alliance was con-
8 cluded on the 27th of September 1940. Soon there-
9 after SHIRATORI endeavored to unite the nation behind
10 the Pact by publication of various articles, one
11 of which was entitled "The Three-Power Pact and the
12 World of Tomorrow." In this article, SHIRATORI stated
13 that the character of the New Order to be created
14 under the leadership of the three powers was to be
15 considered in the light of the fact that the three
16 powers had discarded the ideologies of individual-
17 ism and democracy and had adopted the totalitarian
18 point of view. In Japan, he asserted, the nation
19 had revolted against the so-called evils of liberal-
20 istic civilization and its dissatisfaction had
21 found expression in the form of the Manchurian
22 Incident of 1931. This Incident was a challenge
23 externally to unjust conditions long forced upon
24 mankind by the democratic powers, and internally
25 to all alien ideals and thoughts grafted upon the

1 Japanese people. The characteristics of this
2 movement in Japan, he said, had become accentuated
3 in the current China affair the ultimate object
4 of which, in consonance with the classic expression
5 Hakko Ichiu, adopted as a national slogan, was the
6 establishment of a New Order in East Asia. Unless
7 the present wars were considered in the light of
8 these statements, it was said, the real nature of
9 the New World Order of Tomorrow which is to be
10 established through Japanese-German-Italian coopera-
11 tion could not be understood. (Exhibit No. 557,
12 page of the record 6405.)
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1 In November 1940, SHIRATORI assembled in
2 one publication a series of lectures which he had
3 given all over Japan and which had appeared in news-
4 papers and magazines from time to time since his
5 return from his ambassadorship in Rome. His purpose
6 in re-publication of these articles was to explain
7 the world-wide significance of the Tri-Partite Pact.
8 These articles have been read in evidence so recently
9 that it is not considered necessary to quote them at
10 length in this argument in order to demonstrate the
11 leading part that SHIRATORI played in molding public
12 opinion in Japan in favor of aggressive policies.
13 However, it may be appropriate to quote several
14 excerpts which are worthy of particular notice.
15 (Exhibit 2234, page of the record 16,029.)

16 In December 1939 SHIRATORI stated: "I feel
17 there is no need for hesitation in determining Japan's
18 future foreign policy. In fact, ever since Japan
19 embarked on her continental policy with the Manchurian
20 Incident, her foreign policy has been established, and
21 to back out or swerve from it now is not permissible.
22 Still, the presence of two different opinions in Japan
23 today, and the fact that the people are hesitating
24 between them, is truly a wonder of this world. However,
25 this is a transitory phenomenon. The inevitability

1 of history cannot be altered by human power. In the
2 long run, that which is bound to happen will probably
3 happen. However, the domestic and foreign situations
4 at present will not allow hesitation and indecision
5 for long. The new order of East Asia is linked with
6 the new order of the world. The new order cannot be
7 realized in this part of the world alone if the rest
8 of the world adheres to the old order or goes back in
9 the opposite direction." (Exhibit 2234, pages of the
10 record 16,034-16,035.)

11 In an address delivered in November 1939,
12 SHIRATORI stated, "I firmly believe that the fact
13 that this war has broken out can be developed in favor
14 of Japan according to her aims and policies."
15 (Exhibit No. 2234, page of the record 16,040.) He
16 continued, "Germany today will never be defeated, even
17 under the worst possible conditions. Therefore, we
18 reach the conclusion that there will be no great danger,
19 if Japan, today, does show goodwill to Germany and
20 fights on her side. Furthermore, if the countries that
21 are trying to establish a new order in Europe should
22 not be able to win, it would be impossible for the
23 Japanese people to construct a new order in Asia.
24 Generally speaking, the old order in Europe and Asia
25 is represented by Britain and France. If the

1 countries that are endeavoring to maintain this old
2 order cannot be defeated, a new order cannot be estab-
3 lished either in the Occident or in the Orient.
4 Japan, Germany and Italy are all countries whose
5 mission it is to build in cooperation the new world
6 order. Even without concluding a treaty, the aim of
7 the three powers is one." (Exhibit No. 2234, page of
8 the record 16,042.)

9 On the 31st of January, 1941, the German
10 ambassador to Japan reported that SHIRATORI was one
11 of the leaders of the group advocating a preventive
12 attack on Singapore. Such a surprise action, it was
13 considered, would deprive the United States of the
14 possibility of military warfare in the Pacific.
15 (Exhibit 562, page of the record 6429.) In another
16 report from the German ambassador on the 25th of March,
17 1941, it was stated that SHIRATORI stressed the
18 necessity of tying up the British fleet. (Exhibit 576,
19 page of the record 6476.) SHIRATORI from time to
20 time communicated important information to the German
21 ambassador to Japan. (Exhibit 800, page of the
22 record 7968.)

23 On the 17th of May 1942, he was one of those
24 singled out by the German Embassy in Tokyo for a German
25 decoration of the Grand Cross. I quote from the

1 citation, "For a long time he was the principal
2 advocate of intimate cooperation with Germany. Member
3 of the new Diet after recovering his health, SHIRATORI
4 will probably again play an important part in foreign
5 and home politics." (Exhibit 1272, page of the record
6 11,352.)

7 While he is specially concerned with
8 Count 5, we submit that he was in the general conspiracy
9 from the beginning, and responsible under all the counts
10 in which he is charged.

11 THE PRESIDENT: Mr. Comyns Carr.

12 MR. COMYNS CARR: Your Honor, I find, on
13 checking the matter, that the objection to
14 exhibit 774-A is entirely unfounded. It was admitted
15 in evidence on page 7882 of the record after your
16 Honor had overruled the long objection, and it was
17 read by my friend, General Vasiliev, on pages 7883 to
18 7887; and it is marked as being in evidence in the
19 office of the Clerk of the Court.

20 I ask that my friend, Mr. Brown, may now be
21 allowed to read the passage which he omitted.

22 MR. CAUDLE: I certainly want to apologize
23 to the Tribunal. I had intended answering that docu-
24 ment in my motion, sir, and through some mistake or
25 misconception of mine I thought, or had the impression

1 in checking the record, that it had been introduced
2 just for identification only and neglected for that
3 reason to refer to it in my motion.

4 THE PRESIDENT: The Tribunal accepts your
5 explanation. We have no doubt you were under genuine
6 misapprehension.

7 MR. CAULLE: I am very sorry about it.

8 THE PRESIDENT: Mr. Brown.

9 MR. BROWN: With the Tribunal's permission,
10 I now propose reading the passage to which objection
11 was taken.

12 On the 4th of November, 1935, SHIRATORI
13 advised ARITA by letter that the threat of future
14 calamity should be removed while Russia was compara-
15 tively impotent. He advocated war if that appeared
16 inevitable in order to shut Russia out completely
17 from advancing into East Asia.

18 SUZUKI

19 The particulars with regard to this accused
20 are to be found on page 340 of the summary, and the
21 additional exhibits which directly affect him are
22 2250, 2252, 2253, 2266, 2280.

23 As early as 1927 the accused SUZUKI was a
24 member of the General Staff Office. In 1929 he was an
25 assistant military attache in China, and on 9 January

1 1931 was a lieutenant colonel attached to the Bureau
2 of Military Affairs in the War Ministry.

3 On 1 August 1931, he was appointed a member
4 of the Military Affairs Bureau, which appointment he
5 held at the time of the Manchurian Incident (18 Sep-
6 tember 1931).

7 On 7 October 1931 KIDO reports that Lieutenant
8 Colonel SUZUKI expressed his opinion on the current
9 problems in the Army Department. The activities in
10 which Lieutenant Colonel SUZUKI takes part do not
11 intend to carry out the national reformation immediately,
12 but it is to save the situation if something does
13 happen in the future, such as the outbreak of rebellion
14 among the young officers. (Exhibit 179(0), page of
15 the record 1926.)

16 In August 1933, he was appointed Chief of
17 the Press Section of the War Ministry, and in 1934
18 was an instructor in the Army Staff College.

19 On 25 May 1935, he was again attached to the
20 Military Affairs Bureau and was appointed an investi-
21 gator in the Cabinet Bureau of Investigation.

22 In August 1936, he commanded the 14th
23 Infantry Regiment, and in November 1937 was promoted
24 to major general and attached to the headquarters of
25 the 16th Division.

1 On 16 December 1938, he was appointed head.
2 of the Political Department of the China Affairs
3 Bureau and on 28 December 1938 appointed a member
4 of the Intelligence Bureau of the Cabinet.

5 On 21 February 1939, he was appointed to the
6 Liaison Committee of the China Affairs Bureau and
7 secretary of that committee.

8 On 30 May 1939 he was appointed a Councillor
9 of the Planning Bureau and in June 1939 made a member
10 of the Opium Committee.

11 On 16 August 1939 he was appointed Acting
12 Commissioner General of the China Affairs Bureau and
13 Secretary of the Committee on China Affairs on 5 July
14 1939.

15 He was a government delegate to the Imperial
16 Diet in 1939 and in 1940, and was promoted to the rank
17 of lieutenant general on 1 August 1940.

18 On 21 December 1940 he assumed the duty
19 temporarily of Commissioner General of the China
20 Affairs Bureau and was appointed Councillor of the
21 Total War Research Institute.
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1 On 4 April 1941 he was appointed Minister
2 without Portfolio in the 2nd KONOYE Cabinet and Pres-
3 ident of the Planning Board and relinquished his
4 appointment on the China Affairs Board.

5 On 14 May 1941 SUZUKI was also appointed Vice
6 President of the Investigation Committee for Price
7 Counter Measures and on 19 June 1941 a member of the
8 Thought Control Committee.

9 On the formation of the 3rd KONOYE Cabinet on
10 18 July 1941, SUZUKI continued to be a Minister with-
11 out Portfolio and President of the Planning Board.

12 On the formation of the TOJO Cabinet on 18
13 October 1941 he continued to hold the offices of
14 Minister without Portfolio and President of the
15 Planning Board which he did not relinquish until
16 8 October 1943 when he was appointed a member of the
17 House of Peers.

18 As early as May 1932 KIDO states in his
19 diary that he had a conversation with Lt. Colonel
20 SUZUKI which shows his interest then in political
21 affairs. They talked about matters concerning measures
22 to cope with the Incident as well as the succeeding
23 Cabinet (exhibit 2252, page of the record 16,215).
24 In April 1933 KIDO reports that at a part at the res-
25 idence of Marquis INOUE, Lt. Colonel SUZUKI described

1 Russia as an absolute enemy and denounced any attempt
2 to conclude a non-aggression pact with Russia (ex-
3 hibits 2253, page of the record 16,216).

4 In 1933 or 1934 his interest in the expansion
5 of Japan is evidenced by the fact that he spoke at a
6 meeting of prefectural governors supporting ARAKI
7 who explained that it was necessary for Japan to obtain
8 possession of the Maritime Province of the USSR,
9 Siberia and Zabaikalye (Takebe) (exhibit 670, page
10 of the record 7,730).

11 One 29 December 1938 KIDO writes in his
12 diary that the accused SUZUKI advised him and insisted
13 that KONOYE's Cabinet should carry on (exhibit 2266,
14 page of the record 16,232).

15 The Witness Goette states that in 1939
16 SUZUKI told him that as Japan could not get General
17 Chiang Kai-Shek on her side, the war against China
18 would go on (page of the record 3780).

19 The interest of SUZUKI in military affairs
20 is evidenced by the fact that on the 23 June 1941,
21 according to KIDO's Diary, the day following the
22 invasion of Russia by Germany SUZUKI expressed his
23 opinion that the Imperial General Headquarters should
24 be unified and reinforced (exhibit 1094, page of the
25 record 10,024).

1 While there is no direct evidence that SUZUKI
2 was present at the important Liaison Conferences held
3 after the end of June 1941, it is noteworthy that
4 on 29 October 1941 SUZUKI reported the progress of a
5 Liaison Conference to KIDO (Exhibit 1162, page of the
6 record 10,314).

7 There is, however, evidence that SUZUKI
8 attended the Imperial Conferences on 2 July 1941,
9 6 September 1941, 5 November 1941, and 2 December
10 1941 (exhibit 1107, page of the record 10,140), and
11 must therefore share in the responsibility for the
12 decisions made at those conferences.

13 As President of the Planning Board he attended
14 a meeting of the Investigating Committee of the Privy
15 Council when Foreign Minister TOYODA explained that
16 the proposed protocol between France and Japan relating
17 to French Indo-China was chiefly intended for carry-
18 ing out the war against China by cutting the Burma
19 Road (exhibit 649, page of the record 7,069), and on
20 the same day attended a meeting of the Privy Council
21 relating to the conclusion of the protocol between
22 France and Japan (exhibit 650, page of the record
23 7,074).

24 As President of the Planning Board he held
25 a position of great authority, because that Board

1 controlled economic planning in Japan. It was that
2 Board which prepared the National Commodity Mobiliza-
3 tion Plan which was explained by SUZUKI and approved
4 by the Cabinet on 22 August 1941. The key points of
5 the plan were the prompt expansion of armaments and
6 maintenance of coal and steel production in the East
7 Asia Co-Prosperity Sphere (exhibit 1132, page of the
8 record 10,205). On 30 August 1941 there followed the
9 most sweeping of all control ordinances, "The Key
10 Industries Control Ordinance" which was to serve as
11 a foundation for the complete control by the govern-
12 ment of all major industries (page of the record 8403).
13 On 1 September 1941 the Imperial Petroleum Company
14 was formed and was an effective government instrument
15 for the complete control of petroleum (page of the
16 record 8476). On 5 September 1941 the "Traffic Mobil-
17 ization Plan" was adopted and aimed the placing of
18 land and sea transportation on a war-time basis
19 (exhibit 1133, page of the record 10,214). On 2 Sep-
20 tember 1941 there followed the "Workers Total Mobil-
21 ization Plan" jointly formulated by the Planning Board
22 and the Welfare Office. The plan was explained to the
23 Cabinet by SUZUKI and adopted. It was aimed at insur-
24 ing the supply of sufficient labor for the increase
25 production of munitions (exhibit 1140, page of the

1 record 10,228).

2 On 29 September 1941, SUZUKI was requested
3 by KIDO to make an investigation for the Emperor in
4 respect to stocks of rubber and tin in the United
5 States and rubber resources in South and Central
6 America and other places where the United States would
7 be able to obtain these resources (exhibit 1142, page
8 of the record 10,231).

9 On 1 October 1941 KIDO writes that SUZUKI
10 visited him and that they held an informal talk about
11 the national policy of Japan towards the United States
12 of America (exhibit 2280, page of the record 16,253).

13 In the month of October 1941 at the time of
14 the fall of the 3rd KONOYE Cabinet, SUZUKI played an
15 important part and carried on negotiations between
16 KONOYE and TOJO and KIDO and TOJO. He was present at
17 the meeting in KONOYE's house on 12 October when TOJO,
18 expressing the opinion of the Army, stated that there
19 was absolutely no hope for the successful conclusion
20 of the diplomatic negotiations (exhibit 1148, page
21 of the record 10,250, exhibit 1147, page of the record
22 10,245, exhibit 2250) and a party to the decision there
23 taken.

24 On 14 October 1941 he called on KONOYE with
25 a message from TOJO to the effect that since the

1 opinions of the Premier and the War Minister had
2 clashed head on, nothing could be done and suggested
3 Prince HIGASHI-KUNI be requested to accept the
4 Premiership (exhibit 1148, page of the record 10,250).

5 On 15 October 1941 at the request of KONOYE,
6 SUZUKI relayed this message to KIDO the purport of
7 which was that if KONOYE would not change his mind,
8 the general resignation of the Cabinet would be un-
9 avoidable (exhibit 1150, page of the record 10,275).
10 Later that same day KIDO asked SUZUKI to obtain a
11 definite report on the intentions of the War Minister,
12 and that night SUZUKI telephoned to KIDO that TOJO's
13 purpose was to establish harmony between the Army
14 and Navy by the influence of the Prince (exhibit 1150,
15 page of the record 10,275).

16 The next day, 16 October 1941, SUZUKI
17 called on KIDO who explained his reasons for his
18 opposition to the HIGASHI-KUNI Cabinet. That day
19 KONOYE resigned and upon formation of the new TOJO
20 Cabinet, SUZUKI continued to hold the office of
21 Minister without Portfolio and President of the
22 Planning Board (exhibits 102 and 126).
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1 On 2 December 1941 the regulations of the
2 6th Committee were approved by the Prime Minister.
3 They provided that the Committee shall be established
4 in the Cabinet for the purpose of discussing and
5 drafting matters concerning economic plans and control
6 centering around the acquisition and development of
7 resources in the southern areas, French Indo-China,
8 Thailand, and other southern areas. The regulations
9 further provided that the general affairs of the
10 Committee shall be handled by the Planning Board and
11 that the President of the Planning Board shall be
12 Chairman of the Committee (Exhibit 1331, page of the
13 record 11,943). It was this Committee which made a
14 report entitled "Outline of Economic Counter Plans for
15 the Southern Area" on 12 December 1941 (Exhibit 1332,
16 page of the record 11,947). SUZUKI attended a meeting
17 of the Investigating Committee of the Privy Council.
18 It was at this meeting that SHIMADA reported on the
19 outbreak of war against America and England at Hawaii
20 and Malaya, and the draft of the Imperial Rescript
21 was approved, after war had started. As President
22 of the Planning Board SUZUKI is included in the list
23 of explaining members present at the meeting (Exhibit
24 1241, page of the record 10,690).
25

On 8 December 1941 the Imperial Rescript

1 declaring war on the United States and the British
2 Empire was signed amongst others by SUZUKI (Exhibit
3 1240, page of the record 10,685).

4 On 10 December 1941 SUZUKI, as President
5 of the Planning Board, was present at a meeting of the
6 Privy Council pertaining to the proposal made by Japan
7 to Germany and Italy respecting No Separate Peace
8 Treaty.

9 On 23 January 1942 in speeches before the
10 Budget Committee it was explained by SUZUKI and TOJO
11 that the aim of the measure under discussion was to
12 secure raw materials necessary for the waging of war
13 and the founding of the Greater Sphere Order, to
14 prevent their flow to the enemy, and to secure the
15 self-sufficiency of the Army in areas of operation
16 (Exhibit 1271, page of the record 11,342). In Septem-
17 ber 1942 the Planning Board was concerned with the
18 transfer of prisoners of war to Japan to be employed
19 in stevedoring in important ports. The areas in which
20 the prisoners of war were to be employed are enumerated
21 in Exhibit 1971-a, page of the record 14,505, and it
22 is pointed out in the Exhibit that prisoners of war
23 had been employed with satisfactory results to speed
24 up the transportation of war materials in war time.

25 In October 1942 SUZUKI played a prominent

1 part in the meetings of the Investigating Committee
2 of the Privy Council relating to the establishment of
3 a Greater East Asia Ministry. SUZUKI spoke in favor
4 of the establishment of the new ministry which was
5 designed to strengthen the combined fighting power
6 of East Asia in order to secure victory for Japan
7 (Exhibit 687, page of the record 12,070).

8 When recommending SUZUKI for a German decora-
9 tion on 17 May 1942, Ambassador Ott states that in the
10 scope of the task conferred upon SUZUKI as head of the
11 Planning Board to bring Japan to the highest level of
12 defense, SUZUKI wields decisive influence on the reor-
13 ganization of Japan's inner administration including
14 almost all of the ministries. Ott further states that
15 SUZUKI likewise controls economic planning in Japan
16 as well as the organization of economic and adminis-
17 trative construction in the southern territories. He
18 describes SUZUKI as an executive organ being the Gen-
19 eral Secretary of the Board of Construction of Greater
20 East Asia and says that on the strength of this au-
21 thority his connections with the Army and his personal
22 relations with TOJO, SUZUKI has created a position for
23 himself that can be labeled as a kind of Vice-Chancelor-
24 ship. Ott further states that, although SUZUKI was
25 formerly ambiguous in his attitude toward Germany, he

1 has recently supported cooperation with Germany and
2 had an important share in the decision of Japan's entry
3 into the war. SUZUKI was appointed a Cabinet Coun-
4 cillor on 17 November 1943, which appointment he held
5 until 28 October 1944 (Exhibit 126).

6 He was decorated on 29 April 1934 with the
7 Middle Cordon of the Rising Sun for services in the
8 Incident from 1931 to 1934, and on 29 April 1940 was
9 again decorated for meritorious service during the
10 China Incident.

11 It is submitted that SUZUKI, being a member of
12 the conspiracy, at least since 1931, is therefore
13 responsible for all acts done in pursuance thereof, and
14 the motion made on his behalf should be dismissed.

15 There is one correction I have to make, your
16 honor. On page 4 of the document I read -- second
17 paragraph I said, with reference to the Workers Total
18 Mobilization Plan, that it followed on the -- I believe
19 I said on the 2d of September; it should have been the
20 12th of September 1941.

21 THE PRESIDENT: Mr. Levin.

22 MR. LEVIN: Mr. President and Members of the
23 Tribunal, I move that that portion of the statement
24 made by the prosecution in relation to the accused
25 SUZUKI requesting the Tribunal to draw an inference

1 from the statements and entries in KIDO's Diary be
2 disregarded. If I understood the ruling of the Court
3 several days ago, to the effect that any statements
4 made by one accused in interrogatories should not be
5 applicable as to other accused, or binding on other
6 accused, it would seem to me as a logical conclusion
7 that such statements made by KIDO in his diary as to
8 other accused should also not be binding or applicable
9 in any way.

10 THE PRESIDENT: The decision related solely
11 to answers to interrogatories by prosecuting officers.
12 The decision was based on the fact that the prosecution
13 informed us that the answer of one accused to such an
14 interrogatory was not tendered against any other
15 accused who did not hear it and accept it. The decision
16 had no application to KIDO's Diary or to any other
17 statement by an accused not made in answer to a prose-
18 cuting officer. The philosophy underlying that, the
19 attitude of the prosecution and of the Court in that
20 matter, is very obvious I suggest, Mr. Levin. A sus-
21 pect being interrogated by the prosecution, or by the
22 police, will always have a tendency to exculpate him-
23 self and to throw the blame on others, and his state-
24 ments in those circumstances may not have much, if
25 any, probative value.

1 MR. LEVIN: I believe I understand the ruling
2 of the Court. It seems to me, however, that as a
3 corollary the unilateral statement of an individual
4 made by himself would have a tendency to implicate
5 others and should not be binding on those who are
6 mentioned, simply because those who are mentioned have
7 no opportunity to refute within that document itself
8 the statement that the individual makes or writes.

9 THE PRESIDENT: We are all agreed not to
10 give the decision the extension which you seek, Mr.
11 Levin.

12 Mr. Brown.

13 MR. BROWN: TOGO. The particulars with regard
14 to the accused TOGO are to be found on page 341 of the
15 Summary, and the additional exhibits which directly
16 affect him are Exhibits 1956, 1957, 1994, 2016-A,
17 2022, 2025-A and 2249.

18 Throughout the period covered by the Indict-
19 ment TOGO was one of the accused most instrumental
20 in the realization of Japanese-German and Japanese-
21 Italian collaboration.

22 At the time of the Manchurian Incident he
23 was with MATSUOKA on the delegation of the League of
24 Nations, whose business it was to defend the aggres-
25 sion and to give the assurances which were so often

1 broken. In February 1933 he became head of the
2 European-American Bureau in the Foreign Ministry.

3 At the time the Anti-Comintern Pact was con-
4 cluded TOGO was Chief of the European-Asiatic Bureau
5 of the Foreign Ministry. This is one of the so-called
6 four "geographic" bureaus in the Foreign Ministry. As
7 its name indicates, it was charged with all business
8 pertaining to relations with countries in Europe,
9 including all matters concerning the conclusion of
10 treaties with all European countries. (Page of the
11 record 602.) In his official function TOGO was present
12 as a government representative at the meeting of the
13 Privy Council which considered and approved this pact.
14 Exhibit 485. This shows his close connection with its
15 preparation and conclusion. For his services in con-
16 nection with the conclusion of the pact he was later
17 duly rewarded. Exhibit 127.

18 The secret agreement attached to the Anti-
19 Comintern Pact cannot be considered other than as a
20 military alliance directed against Russia. This is
21 clear from negotiations following the conclusion of
22 the pact to extend the agreement to other countries
23 than Russia and in that way to achieve a complete mili-
24 tary alliance between Germany and Japan. Exhibit 497.
25 It also follows from the fact that when Germany concluded

1 a non-aggression pact with Russia the Japanese Govern-
2 ment considered this a serious violation of the secret
3 agreement attached to the Anti-Comintern Pact and
4 filed a solemn protest with Germany. Exhibit 486-L.

5 On 25 November 1941, while TOGO was Foreign
6 Minister, the Anti-Comintern Pact was extended and
7 many new countries, which at that time were under Ger-
8 man or Japanese domination, adhered to it, thus con-
9 tinuing a strong link in the alliance between Japan
10 and Germany and the countries which were or shortly
11 would be allied with them in the war. Exhibits 495
12 and 496.

13 THE PRESIDENT: We will recess now for fifteen
14 minutes.

15 (Whereupon, at 1045, a recess was
16 taken until 1100, following which the pro-
17 ceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Mr. Brown.

4 MR. BROWN: With reference to the Anti-
5 Comintern Pact, in his explanation before the Privy
6 Council meeting, which had to approve the extension
7 of the Pact, TOGO stated that there was the closest
8 relation between the Soviet Government and the Third
9 International. Exhibit 1182. In view of this the
10 allegation to the opposite in the motion in his
11 behalf does not seem to be based on facts.

12 In 1940 when the negotiations were being
13 carried on for the conclusion of the Tri-Partite
14 Pact TOGO was Ambassador to Russia and was working
15 feverishly for the improvement of Russian-Japanese
16 relations because it was considered that this was in
17 the existing circumstances a prerequisite for the
18 switching over by Japan from reliance upon the
19 Western Powers to an alliance with Germany. TOGO
20 realized that Japan's future lay in the south and
21 that for this reason the enemy in the north should be
22 made a friend. Exhibit 522. This shows clearly
23 TOGO's participation in the new line-up of nations
24 which had started when Germany concluded a non-
25 aggression pact with Russia and started war with

1 England and her Allies and found its logical develop-
2 ment when Japan allied herself with Germany in
3 September 1940. TOGO's attitude toward this new
4 alliance is also clear from the fact that when
5 Foreign Minister MATSUOKA in the summer of 1940
6 recalled a great number of Japanese diplomatic repre-
7 sentatives, whose attitude was not supposed to be in
8 accordance with Japan's new foreign policy, TOGO
9 remained as Ambassador to the Soviet Union. Exhibits
10 127, 548. The motion on his behalf alleges that
11 this is not true, but no evidence to the contrary
12 is before the Tribunal.

13 TOGO carried on all the negotiations for
14 the conclusion of the "No Separate Peace Treaty" with
15 Germany and Italy even before the outbreak of war on
16 8 December 1941 and was mainly instrumental in its
17 conclusion. Exhibits 604, 605. He also carried out
18 the negotiations in the summer of 1938 for the conclu-
19 sion of an agreement with Germany regarding collabora-
20 tion between these countries in China. Exhibits 591,
21 592, 593, 594.

22 . As regards China, TOGO's attitude is clearly
23 outlined in his statements during the above-mentioned
24 negotiations. TOGO insisted that the economic agreement
25 to be concluded should include the whole of China and

1 not only the parts at that time occupied by Japan as
2 Japan intended to extend its influence over the
3 whole country. Earlier, in January 1938, attempts were
4 being made by Germany to mediate in the conflict
5 between Japan and China. TOGO then stated that
6 Japan would continue the war in China until the
7 bitter end and that there was no other solution
8 than the complete defeat of the Chiang Kai-shek
9 government, which could no longer be recognized.
10 Exhibit 486-D. For his services in connection with
11 the China war TOGO was later decorated with the
12 highest Japanese award. Exhibit 127.

13 It is also clear that TOGO was an active
14 exponent of Japanese expansion in Asia and domination
15 by Japan of all areas under its control. He was a
16 member of the National Policy Research Association,
17 which, although a private organization, received
18 considerable government support and fiercely propa-
19 gated Japanese expansion and conquest. Exhibit 683.
20 His attitude is also shown from the speech made by
21 him before the Imperial Diet on 21 January 1942 which,
22 as the German Ambassador pointed out, clearly revealed
23 Japan's basic policy for the construction of the
24 Greater East Asia Co-Prosperity Sphere under the
25 leadership of Japan. Exhibits 1338-A, 1271. That this

1 policy aimed at the complete subjugation and ex-
2 ploitation of all countries under Japanese control
3 has been conclusively demonstrated on numerous
4 occasions. TOGO actively participated in this policy,
5 both as Foreign Minister (October 1941-September 1942,
6 April 1945-August 1945) and as Minister for Greater
7 East Asia (April 1945-August 1945).

8 As regards the Japanese American relations
9 and the general events leading up to the outbreak of
10 war in December 1941, it is considered unnecessary to
11 review in detail all the evidence which has been intro-
12 duced, but it is pointed out that TOGO in his function
13 as Foreign Minister not only participated in the
14 decisions concerning the Japanese-American negotiations,
15 but in his official position was directly in charge of
16 these negotiations, even after the decision to open
17 hostilities had been taken. By contrasting the private
18 communications passing between him and his ambassadors,
19 the secret decisions of the government to which he was
20 a party with the official communications handed by his
21 orders to the State Department, one can realize the
22 career of deception on which he was embarked, the
23 chronological method adopted in the summary (pages
24 255-300) gives special point to this. It is submitted
25 that he must have been a party to the scheme to hold

1 up President Roosevelt's last message, particularly
2 as Exhibit 2249 shows that he had refused to authorize
3 NOMURA to ask for it. The interviews with Ambassadors
4 Grew and Craigie on the early morning of 8 December
5 are sheer deception. Afterwards he was responsible
6 for the futile attempt of the Japanese lawyers to
7 evolve an excuse for it. (Exhibit 1270-A). It has
8 been contended that TOGO, although knowing that
9 hostilities would be opened against the United States,
10 Great Britain and the Netherlands, allowed the
11 negotiations to continue, hoping till the very last
12 that a peaceful settlement could be arrived at. This
13 is in direct contradiction to all the known facts.
14 On 22 November 1941 TOGO informed NOMURA that the
15 dead-line date would not be extended and that Japan
16 would not wait beyond 29 November. Exhibit 1188.
17 On 28 November 1941 TOGO in a wire to NOMURA stated
18 that the negotiations would be broken off; adding that
19 NOMURA should avoid giving any impression to this
20 effect until he got further instructions, thus showing
21 a deliberate intention to deceive the United States
22 Government. Exhibit 1193. Two days later, on 1
23 December 1941, he informed NOMURA that in order not
24 to arouse America's suspicion the press had been in-
25 structed to write that the negotiations would be

1 continued. Exhibit 1208.

2 However, long before that date the negotia-
3 tions were serving as a camouflage for war prepara-
4 tions. As early as 22 October 1941 NOMURA had informed
5 TOGO that he wished to resign because he did not wish
6 to continue a hypocritical existence deceiving others.
7 Exhibit 1161. The sending of Ambassador KURUSU to
8 the United States was, according to the accused MUTO,
9 who like TOGO attended all liaison conferences, nothing
10 more than a deliberate move to deceive (witness TANAKA,
11 Record, page 15,871). It is unacceptable that the
12 accused TOGO, who was in charge of Japanese foreign
13 relations, and who attended all the liaison confer-
14 ences from the time he entered the Cabinet as well
15 as the Imperial Conferences of 5 November and 1
16 December 1941 and participated in and agreed to all
17 the decisions taken, should disclaim full responsi-
18 bility for Japan's foreign policy during this period.
19 It was TOGO who instructed the Japanese informants
20 in Honolulu to submit their day to day reports concern-
21 ing the position of the American fleet in Pearl Harbor.
22 Exhibits 1256, 1258. He also sent out the general in-
23 structions to all Consular personnel in the Netherlands
24 Indies to report all movements of ships. Exhibit 1330.
25 It was TOGO who in the last week before the outbreak

1 of war gave instructions to open negotiations for a
2 declaration of war by Germany and Italy on the United
3 States and for the conclusion of a "No Separate Peace
4 Treaty." Exhibits 604, 605, 606, 607. Finally it
5 was TOGO who was responsible for the text of the
6 final note to be delivered to the United States and
7 for the setting, together with the Chiefs of Staff,
8 of the exact time of its delivery. Exhibit 1202.

9 As regards the so-called "Conventional War
10 Crimes," it was TOGO who informed the Allies that the
11 provisions of the Geneva Prisoner of War Convention
12 would be applied "mutatis mutandis" and that the
13 national and racial manners and customs of the prisoners
14 would be taken into consideration. Exhibits 1956, 1957.
15 During both of his terms as Foreign Minister all protests
16 regarding ill treatment of prisoners of war and civil-
17 ians went through his hands and he was therefore well
18 informed of the innumerable flagrant violations of the
19 Convention as well as of the fact that the guarantees
20 given by him were consistently not being fulfilled.
21 He also knew that the many protests which were sent
22 to the War Ministry for investigation were never
23 answered. He at no time took any steps to ensure that
24 the guarantee given by him would be fulfilled or to
25 stimulate the investigation of the many atrocities

1 committed. Exhibits 2016-A, 2022, 2025-A. The
2 mere fact that the actual investigation of complaints
3 was entrusted to another government department can in
4 no way relieve him from his responsibility as a
5 member of the government and Foreign Minister to
6 ensure the observance of treaties and assurances by
7 which the Japanese Government was bound. Especially
8 during his second term of office numerous protests
9 went through his hands and innumerable crimes took
10 place such as the execution of Allied flyers, which
11 had been ordered by the Japanese Government. Exhibit
12 1994. Through his participation in the government
13 he identified himself with the policy of his govern-
14 ment as regards treatment of prisoners and through
15 his position as Foreign Minister he actively partici-
16 pated in the carrying out of this policy.
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TOJO

The particulars in respect of the accused TOJO are to be found at page 342 of the Chronological Summary.

His history is one of steady and rapid advancement throughout the life of the conspiracy, from the position of colonel and section chief of the Army General Staff, through increasingly important and powerful positions, until as War Minister in the third KONOYE Cabinet, he attained such power that he brought about the fall of that cabinet, became Premier and War Minister, led Japan to attack the United States, Great Britain and the Netherlands, during the earlier years of the war with these countries and until the beginning of her final defeat.

As Colonel, as Section Chief (1 August 1931-5 March 1934) and as Major General Commander of the 24th Infantry Brigade (1 August 1934-1 August 1935) TOJO played a sufficiently important part in the Manchurian Aggressions to be awarded a decoration for his services. (Exhibit 128)

His further activity in Manchuria continued while he was chief of the Kwantung Military Police (21 September 1935 and 1 March 1937, Chief of Staff of the Kwantung Army, and Japanese Member of the Manchukuo

1 Joint Economic Committee (1 March 1937-30 May 1938).

2 On 9 June 1937 TOJO telegraphed the Vice
3 War Minister and Chief of Staff in reference to operations
4 for war against the U.S.S.R. and advised that Japan
5 should first deliver a blow against China by attacking
6 Nanking and thereby "removing the menace in the rear."
7 (Exhibit 672, page of the record 7337) It is significant
8 that this occurred within a month.

9 From his position in the field TOJO graduated
10 to be Vice Minister of War, and simultaneously held
11 numerous posts connected with other departments.
12 (30 May 1938-10 December 1938) He acted as Inspector
13 General of Army Air Forces (10 December 1938-22 July
14 1940); then as War Minister (22 July 1940-18 October
15 1941); and finally as Premier and War Minister, holding
16 from time to time other ministries.

17 He was decorated for his services in the
18 China "Incident" on 29 April 1940.

19 On 22 July 1940 TOJO and MATSUOKA collaborated
20 in drawing an authoritative foreign policy program for
21 Japan (Exhibit 573, page of the record 6262); on 1
22 August 1940 he attended a Four-Minister Conference,
23 which stressed German-Japanese friendship and cooperation
24 (Exhibit 542, page of record 6278; on 4 September 1940
25 another Four-Minister Conference concerning strengthening

1 of the Japanese-German-Italian Axis was attended by
2 TOJO (Exhibit 541, page of the record 6307); on 26
3 September 1940 a conference of the Investigation
4 Committee of the Privy Council was held at which TOJO,
5 HOSHINO and MUTO were present and at which the matter
6 of the conclusion of the Tri-Partite Pact and the condition
7 of the army for war with the United States were discussed
8 (Exhibit 552, page of the record 6350); the same day
9 the Privy Council, with TOJO and HOSHINO present,
10 approved a draft of the Tri-Partite Pact (Exhibits
11 553, 1030, page of the record 6379).

12 On 27 September 1940 the Tri-Partite Pact was
13 signed. At that time TOJO was War Minister, President
14 of the Manchuria Affairs Board and Vice President
15 of the China Affairs Board (Exhibit 43). In the
16 Imperial Rescript issued on that day the names of TOJO
17 and HOSHINO appear as principal officers of the Government
18 (Exhibit 554, page of the record 6394).

19 It will thus be observed that TOJO's interests
20 and activities by this time had embraced the Kwantung
21 Army (the school of militarism and ultra-nationalism),
22 Manchuria, China, relations with Germany and Italy,
23 and possibly war with the United States. All these
24 are the very core of the conspiracies pleaded and proved
25 in this case.

1 Furthermore:

2 On 5 and 21 November 1940, TOJO attended
3 ministers' conferences at which it was decided to help
4 Siam in her boundary fight with Indo-China, and to
5 make her cooperate politically and economically in the
6 establishment of a New Order in East Asia (Exhibit
7 618-A, page of the record 6873).

8 At Liaison Conferences, as TOJO himself tells
9 us, the decisions and proposals were made and formulated
10 which were later presented to and adopted by Imperial
11 Conferences. At Liaison Conferences decisions were
12 made, not by a majority, but were unanimous (Record,
13 page 10,173).
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1 Some idea of the activity of TOJO and
2 of his close association with his co-defendants
3 may be gathered from an analysis of the Liaison
4 Conferences held between 13 January and 30 June
5 1941, which was a very important period in this
6 conspiracy. Examination of exhibit 1103 (R.
7 10057-10063) discloses 29 such conferences.

8 The accused present included:

9 TOJO at 29 conferences; HATO at 27
10 conferences; OKA at 23 conferences; HIRANUMA
11 at 27 conferences; MATSUOKA at 26 conferences;
12 MAGANO at 13 conferences.

13 Further notice should be taken that
14 as the moves were being made toward further
15 aggression southward (French Indo-China, July 24,
16 1941), and for war upon the United States and
17 Britain, a decision was reached at the meeting
18 of July 21 that the Prime Minister, Foreign
19 Minister and other ministers should meet with the
20 High Command and the War Minister, the Navy
21 Minister, and the Chiefs of Staff, to exchange
22 views on national policies. (R. 10064).

23 On 2 July 1941 TOJO, SUZUKI, HIRANUMA,
24 and OKA attended an Imperial Conference at which
25 important decisions in reference to Greater East

1 Asia Co-Prosperity Sphere, disposition of the
2 China Incident, matters connected with the
3 Northern Problems were made, and a decision
4 to remove all obstacles in attaining Japan's
5 policy to pursue her schemes against French
6 Indo-China and Thailand, to negotiate and "take
7 measures" with relevant nations to the south
8 to secretly arm against the Soviet and prepare
9 for war against Britain and the United States,
10 was made. (exhibits 588, 1107, 779, R. 6566).

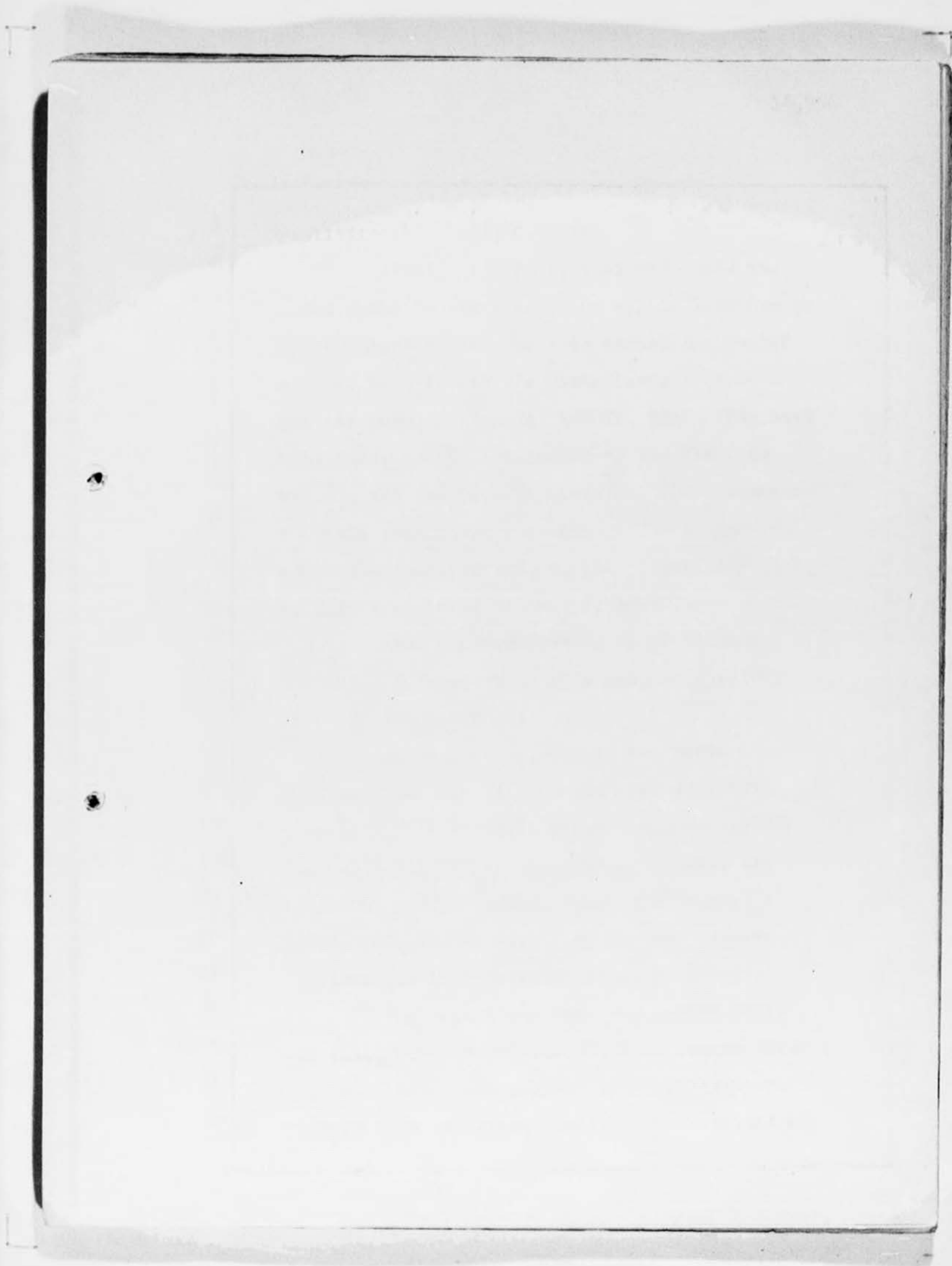
11 The Imperial Conference of 6 September
12 1941 attended by TOJO, SUZUKI, MUTO, and OKA,
13 decided:

14 (1) That Japan would continue her
15 southern advance;

16 (2) That Japan would complete her
17 plans aiming at war with the United States,
18 Britain and the Netherlands;

19 (3) That Japan would try to gain her
20 demands by diplomatic means and if not success-
21 ful, by early October, would determine on war
22 with the United States, Britain, and the Nether-
23 lands;

24 (4) That she would try to check the
25 formation of any Russo-American Combine).



1 (exhibits 588, 1107, R. 8814).

2 About October 12, 1941 TOJO made the
3 final moves in the plan which was to lead him to
4 the Premiership and Japan to attack the United
5 States, Britain and the Netherlands. At a
6 meeting between himself, KONOYE, OKAWA (the Navy
7 Minister), SUZUKI (President of the Planning
8 Board), and the Foreign Minister, TOJO, demanded
9 a strong resolution for war. OKAWA wanted to
10 avoid war (exhibit 147, R. 10246, exhibits 1148,
11 R. 10251; exhibits 1136-A, R. 10272).

12 At a Cabinet Meeting of 14 October,
13 there was a deadlock on this subject (exhibit
14 1148, R. 10258-10263).

15 On October 15, SUZUKI delivered a
16 message from TOJO to KIDO that unless KONOYE
17 came to TOJO's views, a general resignation of
18 the cabinet would be inevitable (exhibit 1150,
19 R. 10276). Later SUZUKI 'phoned KIDO that
20 TOJO's idea was to establish harmony between
21 the Army and Navy (exhibit 1150, R. 10276).

22 The result was that the KONOYE Cabi-
23 net resigned (exhibit 10285), TOJO became Prime
24 Minister, OKAWA was deposed as Navy Minister,
25 SHIMADA took his place, and NAGANO continued as

1 Chief of the Naval General Staff. TOJO had gained
2 his ends -- with SHIMADA as Navy Minister and
3 NAGANO as Chief of the General Staff, harmony
4 was restored -- there would be no dissent to
5 the attacks on Pearl Harbor, Khota Bahru, Davao,
6 and Hongkong.

7 On October 31, TOJO, KAYA, SHIMADA
8 gave final directions for the handling of mili-
9 tary currency in dollars, pesos and guilders for
10 the use of Japanese invading armies of the south
11 (exhibit 850, R. 8458).

12 The Imperial Conference of 5 November
13 1941, attended by TOJO, TOGO, SHIMADA, KAYA,
14 SUZUKI, HOSHINO, MUTO and OKA (exhibits 1169,
15 1107, R. 10333), and that of 1 December 1941,
16 attended by TOJO, TOGO, SHIMADA, KAYA, SUZUKI,
17 NAGANO, MUTO and OKA (exhibits 588, 1107, R.
18 10519) made final decisions for war against the
19 United States, Britain and the Netherlands.

20 Further details are unnecessary. In
21 his interrogation of 7 February 1946 TOJO ad-
22 mitted his responsibility (with other members of
23 the cabinet and army and navy chiefs), for the
24 attacks on Pearl Harbor, and United States and
25 British possessions (exhibit 1243-A, R. 10706).

1 A consideration of all the evidence
2 leads to the inevitable conclusion that TOJO
3 was one of the "young army" officers who in the
4 early days of the conspiracy plotted for the
5 conquest of all East Asia, that he served in that
6 conspiracy with ever-extending importance through-
7 out the Manchurian and Chinese wars of aggres-
8 sion to become the effective leader of the
9 conspiracy on 18 October 1941, and to continue
10 to lead it until 22 July 1944. His direct
11 responsibility for the tragedy of the Prisoners
12 of War and other outrages has been so amply
13 proved, and admitted, that it is needless to
14 labor it by quotations.

15 It is submitted that TOJO is criminally
16 liable for every crime of which he is accused.

17 MR. COMYNS CARR: May it please the
18 Tribunal, there are two small corrections in
19 what my friend has just read.

20 On the 12th of October, 1941, the
21 reference should be to exhibit 1147, not 147. And
22 in one place my friend inadvertently described
23 SHIMADA as Army Minister; of course it should be
24 Navy Minister.
25

UMEZU

1 The particulars with regard to UMEZU
2 are to be found on page 343 of the summary, and
3 the additional exhibits which directly affect
4 him are: exhibits Nos. 2208-A, 2208-B, 2208-C,
5 2208-D, 2208-E, 2206-A, 1970-A, 1994, 1995, 1978,
6 1998, 2012, 2013, 2014, 2022, 2025-A.

7 The more important periods of his career
8 in positions of responsibility may be divided as
9 follows:
10

11 Period No. 1: From 5 March 1934 to 1
12 August 1935 he was Commander in Chief of Japanese
13 Forces in China. His participation in and re-
14 sponsibility for Japanese aggression in North
15 China, finally resulting in the taking over of
16 the four northern provinces by Japan, and setting
17 up of the "Autonomous Government," and the so-
18 called HO-UMEZU Agreement of June 1935, has been
19 the subject of considerable testimony and docu-
20 mentary evidence. In this connection, attention
21 is invited to exhibit No. 2206-A, which was
22 introduced against General MINAMI.

23 Period No. 2: From 23 March 1936 to
24 30 May 1938, he was Vice-Minister of War, and
25 by virtue of his position, carried responsibility

1 for the aggressive acts of Japan against China
2 during that period, ample evidence of which has
3 already been introduced. His ministry prepared
4 the various drafts of the 5-year plan (exhibits
5 841, 842, 2227) in May and June 1937, which
6 was shortly after adopted by the First KONOYE
7 Cabinet. It was during this period that the
8 power of the military clique, of which General
9 UMEZU was a potent member, was exhibited in its
10 refusal to permit General UGAKI to form a Cabinet
11 under Imperial Mandate (exhibits Nos. 2208-A,
12 2208-B, 2208-C, 2208-D, 2208-E) which show his
13 personal activity in this matter.

14 Period No. 3. From 7 November 1939
15 to 18 July 1944 he was Commander of the Kwantung
16 Army (later Commander-in-Chief) and concurrently
17 Ambassador to Manchukuo, for which he bears re-
18 sponsibility for the ill-treatment of prisoners
19 of war held in Manchukuo and for the illegal use
20 of prisoners of war on munitions work in Manchukuo
21 (exhibit No. 1970-A).

22 Period No. 4: From July 1944 to
23 2 September 1945 he was Chief of the Army General
24 Staff, and therefore, responsible for all acts of
25 the Japanese Army on all fronts as well as in

1 Japan proper. There is already ample evidence
2 that during this period, on all fronts and in
3 Japan proper, the inhuman treatment of prisoners
4 of war continued.

5 Since the date of the summary to which
6 reference has been made, there has been introduced
7 evidence to establish the following acts which
8 properly may be charged to this defendant.

9 Illegal sentences and trials of prisoners
10 of war by the Kwantung Army (exhibit No. 1998);
11 execution of eleven members of American air
12 crews after alleged trial by Court Martial
13 11 July 1945 (exhibit 1994); execution of two
14 American fliers 18 July 1945 (exhibit 1995);
15 during July and August 1945 thirty-eight American
16 fliers were put to death in Japan without trial
17 (exhibit 1922); instructions from the War Ministry
18 were issued in March 1945 regarding the disposi-
19 tion of prisoners of war, contrary to treaties
20 and assurances and to laws and customs of war
21 (exhibits 2012, 2013); orders were issued from
22 the War Ministry in March 1945, placing no limit
23 on the hours of work of prisoners of war (exhibit
24 2014); an order from the War Ministry of 17 March
25 1945 provided for "emergency measures" against

1 prisoners of war, and among other things, provided
2 for keeping prisoners of war at work even in areas
3 being bombed (exhibit 1978); continued notices
4 to the Japanese Government re ill-treatment and
5 atrocities committed on U. S., British and
6 Australian prisoners of war, up to as late as
7 1 August 1945, were received, but atrocities
8 and ill-treatment continued to the end (exhibits
9 2022, 2025-A).

10 On 2 November 1938 he was granted a
11 reward for services rendered in concluding the
12 Anti-Comintern Pact. His services in this re-
13 spect were performed during the time he was
14 Vice-Minister of War and concurrently Councillor
15 of the Manchurian Affairs Bureau. Upon his
16 assuming the position of Commander of the Kwan-
17 tung Army and concurrently Ambassador to Man-
18 chukuo, he continued the transformation of
19 Manchukuo into a military base for an attack
20 against the Soviet Union (exhibit 670).

21 The "Kyo-Wa-Kai" was set up by the
22 Kwantung Army with the view of using it in the
23 preparation of war against the Soviet Union
24 (exhibit 699).

25 The Kwantung Army controlled the

1 activities of the Whiteguard elements and carried
2 on propaganda hostile to the Soviet Union (exhibit
3 723).

4 During the time he was Chief of Staff
5 of the Army the attacks upon Kweilin and Liuchow
6 took place in November 1944 (exhibit 234). As
7 Chief of Staff of the Army, he was responsible
8 for not only this, but for the atrocities com-
9 mitted by the Japanese in the Kweilin and Liuchow
10 areas in the winter of 1944 and the atrocities
11 in Changsha (exhibit 359).

12 Evidence of preparation for aggression
13 against the USSR may be found in the following
14 pages of the Record: 7560-63; 7609-12; 8143;
15 8079; 8081; 7580-84; 7705.

16 It is submitted that UMEZU was responsi-
17 ble for illegal Japanese aggression against China
18 from 1934 on, in violation of treaties and as-
19 surances; for preparation for aggression against
20 the USSR; for the ill-treatment of prisoners of
21 war; for their illegal employment; and for
22 atrocities committed against them.

23 One correction: In Period No. 3 I am
24 told I said that it began on the 7th of November,
25 1939. I should have said September.

1 SATO

2 The particulars with regard to him are on page
3 336 of the Summary. Additional documents are exhibits
4 2235-2238A.

5 He is a younger man than most of the accused,
6 and the evidence relates chiefly to the later periods.
7 In 1931 he was in the United States engaged in military
8 study. He joined the Military Affairs Bureau on 1
9 August 1936 and became concurrently Secretary of the
10 Planning Board on 26 November 1937 (at the outset of
11 the five-year plan) and Army spokesman on 15 July 1938.

12 In the latter capacity he made two speeches on
13 the China affair in 1938 in which he said Japan made
14 what amounted to a declaration of war, that North China
15 would be put completely under Japan's control, and Inner
16 Mongolia would be the same (R. 481, Exh. 270, Exh 2235).

17 From May 1939 to March 1941 he was deputy
18 Chief of Staff, South China Expeditionary Force, at the
19 time when the occupation of Northern French Indo-China
20 took place and the attack on French troops occurred on
21 22 September 1940. He admitted he was in Indo-China on
22 several occasions during this period (Exh. 2238). He
23 was decorated for the Manchuria and China Incident
24 though in the former he did not know the nature of the
25 services. He returned to the Military Affairs Bureau

1 as head of 1st Section in March 1941 until 20 April 1942,
2 when he succeeded MUTO as Chief of the Bureau. TANAKA
3 says (R. 15,872) that SATO was held in great confidence
4 by TOJO. SATO told him that when KONOYE resigned he
5 went to see Generals ABE and HAYASHI (both ex-premiers
6 who would attend the conference to choose his successor)
7 and told them that unless TOJO became Premier it would
8 be difficult to control the Army. At the meeting ABE
9 supported TOJO and HAYASHI, after suggesting Prince
10 HIGASHIKUNI, acquiesced. As there was only a majority
11 for TOJO, SATO's efforts may have influenced the result
12 (Exh. 1154 and R. 2250). SATO says that he agreed with
13 TOJO's policies (Exh. 2238).

14 He was a member of the General Commission under
15 Article 4 of the Tri-Partite Pact (Exh. 559, R. 950).
16 On 11 March 1942 SATO made a speech in which he stressed
17 the importance of the choice of date for starting the war.
18 For various reasons December 8th was the last opportune
19 coment. He lauded the decision of Japan to start the
20 Greater East Asia War on that day. He described the
21 armament production plans for 1936-7 and made clear that
22 they were evolved before and not for the purpose of the
23 China Incident, and that only a small part of the in-
24 creased production had been used for that purpose; thus
25 the fighting power of the Japanese Army was more than

1 three times what it was before the incident. He said
2 the march into Indo-China gave powerful footing for the
3 Greater War. (Exh. 849).

4 On 17 May 1942 Major General SATO was one of
5 those recommended for German decoration as belonging to
6 "the immediate group surrounding TOJO who will presumably
7 retain for some time their decisive influence on the
8 shaping of Japanese policy". SATO is described as
9 "Chief of the Political Section of the War Ministry,
10 definitely pro-German; representative and adviser...
11 the importance wielded by him during the last three
12 months before Japan's entry into the war has obviously
13 increased." (Exh. 1272).

14 On 18 August 1943 SATO attended the Privy
15 Council Meeting with MINAMI, TOJO, SHIGEMITSU and OKA
16 to explain the proposed treaty by which Siam was to be
17 rewarded by giving her part of Malaya, when TOJO made
18 the remark already quoted about International Law.

19 As Chief of the Military Affairs Bureau, en-
20 titled to attend Imperial General Headquarters, until
21 December 1944, it is our submission that SATO bears a
22 major responsibility for all the prisoner of war of-
23 fenses. He was at the meeting of Bureau Chiefs of May
24 1942 already mentioned, he received the Swiss protests,
25 as controller of the War Ministry budget he must have

1 approved the Burma-Siam railway decision. Exh. 1961-
2 1977, 1979A, 473, 475, 476, 1988-2001A, 2003, 2010,
3 2016A-2026 are among the exhibits which, coupled with
4 the evidence of TANAKA, fix the responsibility on him.

5 In our submission all the charges are properly
6 brought against him.

7 I understand that in dealing with the circum-
8 stances under which TOJO became Premier I inadvertently
9 read it as TOGO.

10 THE PRESIDENT: I suppose it will take you
11 more than five minutes to put your next case against
12 the accused?

13 MR. COMYNS CARR: Yes sir.

14 THE PRESIDENT: We will recess for until
15 half past one.

16 (Whereupon, at 1155, a recess was
17 taken.

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1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess,
4 at 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: The particulars with
9 regard to OKA are to be found on page 333 of the
10 summary, and the exhibits which directly affect him
11 are Nos. 102, 120, 1103, 588, 650, 1128, 1169, 1107,
12 1241, 1266, 1275, 1979-A, 2022, 2023, 2025-A, 2026;
13 record pages 15,025, 15,028, 15,019, 19,980-1, 15,154
14 (exhibit 2092), 15,109-126, 15,148-50, 15,185
15 (exhibit 2105).

16 This naval officer, after serving in the
17 grade as a member of the Naval General Staff from
18 1933 to 1936, became Chief of the No. 1 Section of
19 the Bureau of Naval Affairs, where he served from
20 January 1938 to October 1940, and at the same time
21 was Secretary of the Bureau of Manchurian Affairs
22 from January 1938 to October 1931. He was decorated
23 for his services in the Manchuria and China Incidents.
24 He became Chief of the Bureau of Naval Affairs and
25 attached to the Navy Minister in Imperial Headquarters

1 on 15 October 1940. He occupied this position until
2 18 July 1944, when he became Vice-Minister of the Navy.
3 On 23 January 1941, he was appointed Japanese member of
4 the joint Japan-German-Italian Commission. The
5 importance of his position as Chief of the Bureau of
6 Naval Affairs is shown by the fact that he attended
7 twenty-four liaison conferences between the crucial
8 period from 13 January 1941 to 30 June 1941, among
9 which conferences was the one of the 25th of June,
10 1941, at which it was decided to station troops in
11 Indo-China and Thailand and acquire naval and air
12 bases by diplomacy if possible, or that failing, by
13 resorting to arms. (Record page 11,057.)

14 This bureau held the corresponding position
15 in the Navy Ministry to the Bureau of Military Affairs
16 in the War Ministry. It was the political bureau, and
17 among its many important functions was to maintain
18 relations with other ministries and the public, and
19 especially with the War Ministry. Indeed, it was
20 sometimes known as the Bureau of Military Affairs. In
21 fact, OKA, throughout his long period in the office,
22 was the opposite number first of MUTO and then of SATO
23 in the War Ministry, and seems to have kept in close
24 touch with them. For instance, in KIDO's Diary for
25 15 July 1941 (exhibit 1115) MUTO and OKA are shown to

1 have direct influence on the formula to be used in
2 the Japan-United States negotiations since KIDO states
3 that if the Foreign Minister has no objection to the
4 formula prepared by them it will be pushed through,
5 and later when the deadlock between KONOYE, TOJO
6 and OIKAWA occurred in October, it was by negotiation
7 between MUTO and OKA that an attempt was made to settle
8 the matter (exhibit 1148).

9 We submit that OKA was just as important a
10 figure in the navy as MUTO in the army. Like MUTO
11 and afterwards SATO, he occupied a great variety of
12 positions connected with other departments, such as
13 the secretaryship of the General Mobilization Committee
14 and many other posts, listed in exhibit 120.

15 When OIKAWA resigned with the third KONOYE
16 Cabinet and SHIMADA succeeded him, being as we submit
17 obviously chosen as the men in the navy prepared to
18 do TOJO's bidding, OKA retained his position while the
19 navy was putting into operation its long-prepared plans
20 of attack.

21 When the holding of and attendance at liaison
22 conferences ceased to be published in July, we submit
23 the obvious inference is that he continued to attend
24 as before. He attended the four decisive Imperial
25 conferences in 1941 of 2 July, 6 September, 5 November

1 and 1 December.

2 He attended the Privy Council meeting on
3 28 July 1941, where the protocol between France and
4 Japan was discussed regarding military cooperation.
5 It was decided that clarification would be made to
6 show that the occupation of French Indo-China was in
7 agreement with France and not by force, so that the
8 United States would understand. Of course, this had
9 in fact been brought about by pressure on the Vichy
10 Government through German aid. The second meeting was
11 held and agreement with France approved for military
12 cooperation, airfields and naval bases, quartering of
13 troops in French Indo-China and freedom of movement.
14 (Record page 7079, exhibit 650.)

15 On 14 October 1941, after a cabinet meeting
16 which produced a deadlock, MUTO offered to give way
17 if the navy would come out definitely against war.
18 OKA for the navy refused to do this and left it to
19 KONOYE, but TOJO and MUTO would not accept. (Record
20 page 10,258-63) (Exhibit 1148) If he had declared
21 opposition it seems the war would not have broken out.

22 At 7:30 a.m. on 8 December 1941 he attended
23 the Investigation Committee of Privy Council, where
24 SHIMADA reported on the starting of war against the
25 United States. At this meeting TOJO said that "since

1 the first of December negotiations were continued
2 merely for the sake of strategy." (Record 10,690,
3 exhibit 1241.)

4 On 10 December 1941 he attended a meeting
5 of the Investigation Committee of the Privy Council
6 where agreement with Germany as to no separate peace
7 was discussed. (Record page 11,304, exhibit 1266.)

8 On October 20, 1942, he attended a meeting
9 of the Privy Council where the formation of the Greater
10 East Asia Ministry was discussed, and another meeting
11 on the 21st of October 1942 (page 12,070, exhibit 687).

12 On 18 August 1943, he attended a meeting
13 of the Investigation Committee of the Privy Council
14 in connection with the Japanese-Thailand Treaty,
15 where the annexation of the Shan States by Thailand
16 was discussed. At this meeting TOJO stated that
17 Japan would recognize international law as long as the
18 enemy did so but would interpret it from the viewpoint
19 of the war according to her own opinions (record
20 page 11,364, exhibit 1275).

21 Even if the truth is that he had no vote at
22 any of these meetings, this is of little importance
23 because the proceedings were always unanimous. The
24 important point is that they fix him with full know-
25 ledge of the policy to be pursued, which we submit his

1 position gave him great power of shaping, and he retained
2 that position.

3 When the TOJO Cabinet was tottering in
4 July 1944, it was OKA and SATO who tried to save it by
5 inducing YONAI and others to join and bolster it up
6 (exhibits 1277-8).

7 Record pages 14,980-1 and exhibit 2036-B
8 show that the Military (or Naval) Affairs Bureau of
9 the Navy Ministry was responsible for matters con-
10 cerning prisoners of war and its functions were parallel
11 to those of the Military Affairs Bureau of the War
12 Ministry.

13 The testimony of SUZUKI, Tadakatsu (record
14 pages 15,506-533, and exhibits 2170, 2173 and 2174,
15 show that copies of protests from the protecting power
16 regarding treatment of prisoners of war were customarily
17 sent to the Navy Ministry and sometimes addressed to
18 the Vice-Minister of the Navy, sometimes to the Minister
19 of the Navy, and sometimes to the Chief of the Naval
20 Affairs Bureau.

21 Exhibits No. 2022, 2023, 2025-A and 2026 are
22 protests from the protecting power regarding mis-
23 treatment of prisoners of war.

24 On 7 October 1943, Rear Admiral SAKAIBARA
25 ordered the execution of ninety-six American prisoners

1 of war on Wake Island (exhibit 3036-A, record page
2 15,046). In October 1943, Vice-Admiral ABE received
3 a report from Admiral SAKAIBARA of the death of the
4 ninety-six prisoners of war at Wake Island (page
5 15,025).

6 Captain OBARA testified that Vice-Admiral
7 ABE on October 10, 1942, gave him the following
8 direction: "In accordance with a directive received
9 from central headquarters, it has been decided to
10 execute the Makin prisoners here and not send them
11 back to Japan. You will take charge of carrying out
12 this execution/." (Record page 15,019.)

13 Vice-Admiral ABE testified that he ordered
14 the execution of nine American prisoners of war from
15 Makin at Kwajalein in October 1942 as a result of a
16 visit from Lieutenant Commander OKADA of the General
17 Staff in Tokyo, "who told me not to ship prisoners of
18 war back to Japan but dispose of them on the spot, which
19 I judged to be the navy's policy." (Record page 15,028.)

20 Vice-Admiral ABE further stated as to the
21 nine American prisoners of war, "A directive was issued
22 to me from the highest navy central headquarters to
23 dispose of them on my island." (Record page 15,030.)
24
25

1 During 1943-1944, the crews of the British
2 ships Daisy Moller, British Chivalry, Sutley, Ascot,
3 and Nancy Moller, were destroyed (page 15,154,
4 exhibit 2092).

5 On 2 July 1944 the crew of the Jean Nicolet
6 was destroyed. (Pages 15,109, 15,126.)

7 On 29 October 1944 the crew of the John A.
8 Johnson was destroyed. (Record page 15,148, 15,150.)

9 Record page 15,186 shows OSHIMA's talk
10 with Ribbentrop about submarine warfare, Germany sent
11 two submarines to the Japanese and Ribbentrop talked
12 about failing to rescue survivors of torpedoed
13 merchant ships and German U-Boat Order of September
14 1942 that they would not rescue survivors. OSHIMA
15 reported this to Japanese Naval Attache.

16 The following is a translation of an extract
17 from a Japanese document captured at Kwajelein atoll:
18 "Flagship Hainan Maru at Truk, 20 March 1943, Military,
19 Ultra-Secret (Gunki) Copy 24 of 70 -- 1st Submarine
20 Force Secret Operation Order #2-43" -- "... do not
21 stop with sinking of enemy ships and cargo; at the
22 same time that you carry out the complete destruction
23 of the crews of the enemy's ships, if possible,
24 seize part of the crew and endeavor to secure
25 information about the enemy." (Record page 15,185,

1 exhibit 2105.)

2 The responsibility of OKA for government
3 action from the time he became Chief of the Naval
4 Affairs Bureau, is inescapable. He took part in
5 practically every important liaison conference dur-
6 ing 1941, attended Privy Council meetings, and Imperial
7 conferences continuously up to the outbreak of the war
8 and thereafter. At the cabinet meeting of 14 October
9 when he had the opportunity to act for the navy against
10 war, he declined to act. The Imperial conferences and
11 liaison meetings and cabinet and Privy Council meet-
12 ings which he attended, all decided on aggression.

13 He was the officer of the Navy Ministry
14 responsible for prisoners of war and received protests
15 by the protecting power against mistreatment of
16 prisoners of war, but did nothing about it.

17 The record of wanton slaying of prisoners of
18 war not only on land but at sea, taken in connection
19 with the order of the 1st Submarine Squadron, shows
20 that it must have been the navy policy to wantonly
21 put to death such helpless prisoners.
22

23 With regard to SATO, which I read this
24 morning, your Honor, I omitted to point out the last
25 two items of his career. He was Deputy Chief of
Staff of the China Expeditionary Force from December

1 1944 to 7th April 1945, and from the latter date to
2 the 2nd September 1945 he was Commander of the 37th
3 Division, which exhibit 2282 shows was stationed in
4 Siam.

5 Exhibit 2027 is an Allied protest against
6 mistreatment of prisoners of war in Siam during that
7 period, with regard to their being compelled to
8 remain in places where military operations and
9 bombing were in progress.

10
11 HOSHINO

12 The particulars with regard to him are to
13 be found at page 324 of Appendix B. Additional
14 references are made on pages 15,952 to 15,976 of
15 the record, exhibits 2224, 2225.

16 In July 1932 HOSHINO went to Manchuria to
17 become director of the General Affairs Bureau
18 from 1932 to 1936 (record pages 5119, 5120).

19 During that time there was a constant
20 liaison between the bureau and Kwantung Army (pages
21 5121, 5159). Throughout this period his most
22 important activities appear to have been:

23 (1) In connection with contract for under-
24 writing and subscription of the Manchoukuo Government
25 National Foundation Bonds dated 19 November 1932.

1 This he signed on behalf of Manchoukuo. (Exhibit
2 375, page 4684.) It provided for the raising of
3 thirty million yen for Manchoukuo by issue of bonds
4 in Japan secured by the Opium Monopoly Office and
5 the Kirin-Heilung-Kiang Transport Toll Office;

6 (2) That he worked with KISHI on the
7 economic plans for the development of Manchoukuo
8 (page 5127);

9 (3) That he took a prominent part in the
10 drawing of the 5-year Industrial Plan for Manchoukuo
11 (exhibit 446.) This was adopted in 1937 (page 5069.)
12 The Kwantung Army agreed to and supported the plan
13 (page 5129).

14 In 1936, HOSHINO joined the Manchoukuo
15 government as Vice-Minister for Finance and in
16 December 1936 he became Chief of the General Affairs
17 Board of Manchoukuo (5134). The board took charge of
18 the budget, statistics, personnel, legal matters and
19 information. The board controlled the other bureaus
20 and it was one of the most important divisions of
21 the government (page 5135). It had the duty of
22 directing and guiding political and economic affairs
23 in Manchuria in the interest of Japan as well as
24 Manchoukuo (page 1998). PU-YI says that HOSHINO
25 was engaged in exploiting Manchurian industries and

1 in the control of affairs (page 4021).

2 The Five-Year Industrial Plan was announced
3 in 1936 and adopted in 1937. Under the heading of
4 Policy, the Plan states that emphasis has been placed
5 on opening up resources in Manchoukuo which may be
6 required in time of emergency. The meaning of "time
7 of emergency" is clearly indicated in sub-paragraph
8 1(a) "munition industries for weapons of war, air-
9 planes, automobiles, and rolling stock will be firmly
10 established." (Exhibit 446.)

11 In 1937 TOJO became Chief of Staff of the
12 Kwantung Army and HOSHINO and TOJO worked together
13 (5172).

14 In May 1938 the Five-Year Industrial Plan
15 was revised. The revision more than doubled the
16 original estimate of funds required. Heavy emphasis
17 was placed on materials which could be used for
18 production of munitions and weapons of war (exhibit
19 446, pages 30 and 54). On the 29th of April 1940
20 HOSHINO was decorated for meritorious service in
21 the China Affair (exhibit 109).

22 As Chief of General Affairs Board in Man-
23 churia, HOSHINO was the most powerful and influential
24 man in the government and took directions only from
25 the Kwantung Army. He utilized his position

1 (1) enormously to increase production of war
2 potentials in Manchoukuo; (2) enormously to increase
3 production of sale of narcotics. In the latter con-
4 nection he fostered the opium monopoly in Manchuria
5 and as previously stated, secured Manchoukuoan
6 National Founding Bonds on this monopoly. This was
7 definitely in furtherance of the policy of the
8 Kwantung Army. In June 1932 revenue from opium
9 monopoly was 10,000,000 yen (exhibit 227). In 1939
10 net profit from monopolies were estimated at 56,000,000
11 yen after payment of 15,000,000 yen to General Account
12 Reserve Funds and National Loan Funds (record page
13 4,751). In July 1940 he left Manchuria and returned
14 to Japan (record page 5,136). The numerous reports
15 from United States officials quoted in the Summary
16 show that under the cloak of carrying out the League
17 of Nations policy against narcotics (the policy of
18 a committee of which Japan remained a member) the
19 sale was in truth being vigorously pushed by the
20 agencies for which HOSHINO was responsible. On his
21 return to Japan he became Director of the Cabinet
22 Planning Board and Minister without Portfolio in the
23 second KONOYE Cabinet (record page 5,136). The board
24 provided for the organization of industries in the
25 same line of business into a solid group which

1 undertook to carry on under government control (page
2 5,131).

3 The Planning Board made the necessary plans
4 to supply materials required by the army, navy and
5 civilian authorities. The army and navy demands
6 increased year by year (pages 5148-5150).

7 On 27 July 1940 at the Liaison Conference
8 a decision was made concerning improvement of con-
9 ditions at home and abroad and the acceleration of
10 the China Incident and the settlement within limits
11 of the southern problem. Policies of fostering strong
12 political ties with Germany and Italy and obtaining
13 by strong diplomatic policies raw materials from the
14 Netherlands East Indies were also decided. HOSHINO
15 was President of the Planning Board and Minister
16 without Portfolio at this time (exhibit 1310).

17 In August 1940 (exhibit 1311) a draft of
18 alternative demands to be made on the Netherlands
19 East Indies set out various demands regarding
20 enterprises and investments, mining, shipping,
21 agriculture, fishing, newspaper propaganda, etc.
22 HOSHINO was Minister without Portfolio and President
23 of the Planning Board at this time.

24 In September 1940 (exhibit 550) MATSUOKA
25 gave an explanation regarding the conclusion of the

1 Tri-Partite Pact. On 26 September 1940 (exhibit
2 552) there was a conference of the Investigation
3 Committee of the Privy Council on the conclusion of
4 the Tri-Partite Pact. HOSHINO was present and as
5 Chief of the Planning Board gave estimates of Japan's
6 strength stating she was not yet complete in supplies
7 or self-sufficiency of reserves; however, they were
8 quite prepared. He gave estimates on oil, petrol,
9 etc., and stated that through the Commodity Mobiliza-
10 tion Program provision has been made for civilian
11 living. The same material is shown in exhibit 1030.
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1 Exhibit 553 is the record of the meeting of
2 the Privy Council of the 26th of September 1940 re-
3 garding the strengthening of relations with Germany
4 and Italy (Tri-Partite Pact) in view of the increasing
5 difficulty of the international position. HOSHINO was
6 present.

7 Exhibit 554 is the Imperial Rescript of
8 27 September 1940 proclaiming the Pact. HOSHINO's
9 name is on this document.

10 Exhibit 1298, an entry in KIDO's diary of
11 28 September 1940, states that KIDO had been informed
12 by the Emperor of the government's present wish to
13 avoid force against the Netherlands East Indies and
14 Singapore and in view of the fact that eight months'
15 preparations are necessary for war, the later war
16 comes the better. HOSHINO was still President of the
17 Planning Board and Minister without Portfolio.

18 Exhibit 868-A contains the Ordinance of
19 Organization of the Total War Research Institute.
20 HOSHINO was director of this Institute from 1 October
21 1940 to 11 January 1941 and Councilor from 2 May 1941
22 to 24 November 1941. He was also a member of the
23 committee to establish this Institute and for part of
24 the time was Minister without Portfolio and for another
25 part of the time was Chief Secretary of the Cabinet

(8,862).

The outline of the Ten-Year Plan for Block Economy of Japan, Manchukuo, and China was announced by the Government Information Bureau on 5 November 1940. The carrying out of this plan envisaged Japan exercising rights of sovereignty over China with which Japan was then at war. The plan was stated to be the result of the government's study principally with the Planning Board. HOSHINO was then President of the Planning Board (Exhibit 2224, page 15,952).

On 22 January 1941 the Cabinet outlined its population policy stating that it was the mission of the Empire to establish the East Asia Co-Prosperity Sphere to secure Japan's leadership in East Asia. HOSHINO had given explanations and opinions at the meeting and the plan was unanimously adopted (see Exhibits 865 and 1067). As the object of the plan was stated to be to increase the population in order to provide greater war strength, it destroys the excuse sometimes put forward for Japanese aggression that an outlet was required for surplus population.

On 8 March 1941 it was publicly announced that the detailed regulations of the National Mobilization Law would be put into force on 20 March. HOSHINO was Minister of State and Director of the Planning

1 Board at this time (Exhibit 1055), but resigned on
2 the 4th of April 1941.

3 Exhibit 870-A dated August 1941 is a record
4 of Table Top Maneuvers held by the Total War Research
5 Institute. It shows that under these maneuvers the
6 general policy of Japan concerning Third Power prob-
7 lems was that Japan would not give to the United
8 States a clear explanation of her position nor expect
9 a peaceful settlement but did adopt a delaying policy
10 by diplomatic negotiations at the same time completing
11 war preparations. HOSHINO was a Councilor of this
12 Institute.

13 On 25 September 1941 the Total War Research
14 Institute reproduced a secret document containing
15 particulars in framing a program for extension of
16 important industries. This included a summary of
17 five years' program of important industries prepared
18 by the War Minister 29 May 1937, a resume of policy
19 relating to execution of essentials of a five-year
20 program -- trial graph prepared by the Army -- 10 June
21 1937, and summary of a program for extension of pro-
22 ductive capacity, prepared by the Planning Board in
23 January 1939. HOSHINO was a Councilor of this Insti-
24 tute (Exhibit 843).

25 On 18 October 1941 HOSHINO became Chief

1 Secretary of TOJO's Cabinet. On 4 November 1941 the
2 Cabinet made and issued instructions to the Informa-
3 tion Board in connection with releasing news on
4 preparation for war and strategic news. This pro-
5 vided that the suppression of reports on the tense-
6 ness of diplomatic relations with Great Britain and
7 the United States should be eased and the people
8 given hope for the future. News and speeches enabling
9 the enemy to see Japan's war preparations were ex-
10 cluded as well as all activities which might incite
11 the public to take action against residents of Third
12 Powers (Exhibit 1167).

13 At the Imperial conference held on 5 November
14 1941, measures toward foreign countries in relation
15 to the plans of execution of national policy towards
16 the Empire were decided upon (Exhibit 1169).

17 On 11 November 1941 a liaison conference was
18 held and at this meeting the principal reasons alleged
19 for commencement of hostilities against the United
20 States and Great Britain were stated (Exhibit 1175).
21 Although the names of those present were not listed,
22 it may be assumed that HOSHINO by virtue of his official
23 position attended.
24

25 Exhibit 1176 dated 12 November 1941 sets out
the general outline for extending the conclusion of war

1 against the United States, Great Britain, Netherlands
2 and Chungking. This provided in essence the plan to
3 be adopted towards foreign powers which has already
4 been set out in exhibit 1169 relating to the Imperial
5 conference of 5 November 1941. Exhibit 878 dated 13
6 November 1941 is a record of the meeting of the liaison
7 conference held on that date. It is substantially the
8 same as exhibit 1169 with some additions in respect to
9 China. There is no list of those who attended but it
10 may be inferred that HOSHINO was present.

11 On 28 November 1941 it was officially announced
12 that the Anti-Comintern Pact had been signed -- the
13 extension of the Anti-Comintern Pact had been signed
14 (Exhibit 496).

15 At a Cabinet meeting on 28 November 1941 a new
16 press system was approved. This placed the Japanese
17 press on a wartime basis. HOSHINO attended the liaison
18 conference and the Imperial conference on 1 December
19 1941 (Exhibit 1107). Early in December he attended a
20 Cabinet meeting at which was decided that in the event
21 of Japanese negotiations with the United States being
22 unsuccessful, Japan would go to war (15,971).

23 On December 7, 1941 KIDO's diary (Exhibit
24 1220) states that HOSHINO visited KIDO to consult
25 about the war with the United States and England.

1 At 9 a.m. on the 5th December 1941, after Japanese
2 forces had already attacked Great Britain and the
3 United States he was present at the meeting of the
4 Privy Council when war was declared on the United
5 States and helped to compile necessary Imperial
6 Rescript relating thereto (15968, 15976).

7 On October 9, 1942 he was present at the
8 meeting of the Privy Council relating to the Greater
9 East Asia Ministry. There TOJO explained that in
10 order to achieve victory it was an absolute necessity
11 for the combined fighting power of East Asia to be
12 strengthened and that it was desirable to establish
13 a Ministry to achieve these aims and to ensure swift
14 and decisive action (Exhibit 687). He was also present
15 at subsequent meetings of the Privy Council dealing
16 with the same matter on 12th and 14th October 1942
17 (Exhibit 687). On 6 November 1942 he attended the
18 Assembly of East Asiatic Nations at which the joint
19 declaration of the meeting was approved (Exhibit 1346).

20 He retained his post as Chief Secretary until
21 22 July 1944, serving on various government committees
22 during the interim.

23 Except for the brief period between 4 April
24 1941 and 18 October 1941 HOSHINO was either a Minister
25 of State or Chief Secretary of the Cabinet. While a

1 Minister of State he was also President of the
2 Planning Board. In these capacities he was privy
3 to and took an active part in the continuance of
4 the war with China and preparations for war with the
5 Allies.

6 From October 1941 onwards he attended all
7 Cabinet meetings and knew that Japan, while pretending
8 to negotiate with the United States, intended to
9 strike. Later he knew that Japan had attacked without
10 any declaration of war but still retained his Cabinet
11 post.

12 One cannot resist the conclusion that from
13 at least 1936 onwards HOSHINO favored the expansion
14 of Japan even at the expense of peaceful neighbors,
15 that he joined in the various conspiracies charged
16 and lent powerful assistance towards their fulfillment.
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1 Your Honor, subject to any matters -- I
2 made a small mistake I understand, your Honor, in
3 date. The date of the renewal of the Anti-Comintern
4 Pact was the 25th of November, not the 28th as I read.
5 Conversely, I am told that for the important Privy
6 Council meeting immediately after the outbreak of war
7 I said "the 5th of December," when it should be the
8 "8th."

9 Your Honor, unless the Tribunal has any questions
10 to put to the prosecution that concludes our reply to
11 these motions.

12 THE PRESIDENT: Mr. Logan.

13 MR. LOGAN: If the Tribunal please, there are
14 two matters that I wish to speak about. The first
15 is the reservation of our objection on document 0001.
16 The defense strongly objects to the use of the material
17 designated as document No. 0001 for the reason that
18 it was offered at a time that the prosecution had
19 closed its case and it was not entitled to offer ad-
20 ditional evidence at that time. If the view be taken
21 that it is not additional evidence but given only to
22 assist the Tribunal we object to it on the ground
23 that it is not even a matter which could properly have
24 been accepted during the prosecution's case. A cursory
25 examination of it shows that it contains inferences,

1 omissions have been noted, and it may contain factual
2 misstatements all of which would properly invite a
3 rebuttal by the defense and would unnecessarily prolong
4 the present activities. Furthermore, it is not properly
5 argument in answer to the motions to dismiss nor has
6 it been offered by the prosecution as such. Certainly,
7 if it is allowable at all, it should be contained in a
8 summation of the prosecution's evidence at the conclusion
9 of the entire case. It is not a true chronology. We
10 submit it is merely a prosecution summation prejudicial
11 to the accused and can be of no assistance to the
12 Tribunal as a factual guide of what is contained
13 in the record.

14 MR. COMYNS CARR: Your Honor, I hope --

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: I hope I have made it clear
17 that the document in question does not purport to be
18 evidence. For that reason it would not have been
19 proper to introduce it until after the close of our
20 case. It is a document which, in my submission, the
21 Court is entitled to receive if they think it will be
22 of assistance and use to them and which I strongly
23 suspect, whatever my learned friend may say, that the
24 defense would be most reluctant to surrender now that
25 they have got it. It purports to be nothing but a

1 guide to the evidence which the Tribunal may regard
2 as part of our argument if they think fit, quite
3 content to adopt it as such.

4 As I have already stated, of course, we cannot
5 guarantee it against the possibility of errors here and
6 there, but as any are discovered we will bring them to
7 the attention of the Court.

8 THE PRESIDENT: The document 0001 was not
9 tendered or received or marked as evidence. We under-
10 stood it was really part of the reply. Subject to the
11 defense objections we received it as such. Those
12 objections will be entertained -- will be considered.
13 We will give our decision on the objections with our
14 decisions on the motions. Owing to the valuable
15 assistance we received from counsel for the defense
16 and from counsel for the prosecution we hope to be
17 able to give all decisions on Monday morning and with
18 that in view we will adjourn until half-past nine
19 on Monday morning next.

20 MR. LOGAN: If the Tribunal please, that was
21 the second point that I wished to talk about. We,
22 the defense, would like an opportunity to reply to this
23 answer of the prosecution, either orally or in writing
24 and reply that we contemplated will be strictly confined
25 to the statements of fact contained in the prosecution's

1 answer to our motion.

2 THE PRESIDENT: Well, in any jurisdictions
3 that I am familiar with there would be no reply to such
4 a motion. That is to say, by the party moving the
5 motion but I do not know what my colleagues think about
6 it. We have not considered it. We did not expect
7 this application. You see, one side points out the
8 absence of evidence and the other points out the
9 presence of evidence and there is not much scope for
10 reply ordinarily.

11 The majority of the Court thinks there should
12 be no reply by the defense.

13 Captain Brooks.

14 MR. BROOKS: If the Tribunal please, pursuant
15 to an order of the Tribunal dated 23 December 1946,
16 that was Court paper No. 618, the prosecution's applica-
17 tion for an order directing that the accused OKAWA,
18 Shumei be further examined as to his mental and physical
19 condition by two competent medical psychiatrists was
20 granted. Now, at this time, as supporting evidence
21 in relation to said medical reports to be filed, I
22 request leave to file the affidavit of Mrs. Kane
23 OKAWA, wife of said accused as an exhibit relating to
24 the actions and mental condition of the accused.

25 THE PRESIDENT: As you have done hitherto,

1 make the application in Chambers. If possible, I
2 would like the report of the medical referees on his
3 present condition before we meet again on Monday. A
4 further examination is ordered if my memory serves me
5 correctly.

6 MR. BROOKS: Yes, sir.

7 THE PRESIDENT: That was weeks ago and I have
8 heard nothing further. I will deal with the matter
9 in Chambers at any time you approach me.

10 MR. BROOKS: If your Honor please, on the
11 medical examination, I have checked on that three
12 separate times and I think it is the red tape of trans-
13 ferring for the examination that has been holding this
14 matter up and a sufficient order has been given and
15 I have asked --

16 THE PRESIDENT: The whole matter should be
17 dealt with before this day a week. I will be back in
18 Tokyo on Friday next at the latest and I will be here
19 on Monday.

20 MR. BROOKS: If the Court please, may this
21 exhibit be filed for reference of the Court at the time
22 that the examining medical certificates are received?
23 They are to be hereinafter proffered and I think will
24 be during this recess.
25

Now, whether I will be here or will be available

1 at that time, as it will not come through me, I would
2 not know when the Court received them and I would like
3 them to have this matter to study at the time because
4 it does deal with his medical condition now.

5 THE PRESIDENT: That matter is referred to
6 Chambers.

7 We will adjourn now until half-past nine
8 on Monday next.

9 (Whereupon, at 1430, an adjournment
10 was taken until Monday, 3 February 1947 at
11 0930.)
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